

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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BURLINGTON PACKAGING, INC.,

Civil Action No. 08 CIV 1515

Plaintiff,

-against-

REPLY TO COUNTERCLAIMS

(Plaintiff Demands Trial by Jury)

EXTRA PACKAGING, INC.

Defendant.

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Plaintiff Burlington Packaging, Inc. ("Burlington"), by its attorneys, Rottenberg Lipman Rich, P.C., as and for its reply to the Answer and Counterclaims of defendant Extra Packaging, Inc. alleges as follows:

FIRST COUNTERCLAIM

1. Denies the allegations contained in Paragraph 29 of the Answer and Counterclaims.
2. Denies the allegations contained in Paragraph 30 of the Answer and Counterclaims.
3. Denies the allegations contained in Paragraph 31 of the Answer and Counterclaims.

SECOND COUNTERCLAIM

4. Denies the allegations contained in Paragraph 32 of the Answer and Counterclaims.

5. Denies the allegations contained in Paragraph 33 of the Answer and Counterclaims.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

6. The Counterclaims are barred in whole or in part by the affirmative defense of set-off.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

7. The Counterclaims are barred in whole or in part by the affirmative defense of waiver.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

8. The Counterclaims are barred in whole or in part by the affirmative defense of estoppel.

AS AND FOR A FOURTH AFFIRMATIVE DEFENSE

9. The Counterclaims are barred in whole or in part by the affirmative defense of accord and satisfaction.

AS AND FOR A FIFTH AFFIRMATIVE DEFENSE

10. The Counterclaims are barred in whole or in part by the affirmative defense of payment.

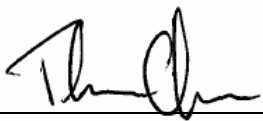
AS AND FOR A SIXTH AFFIRMATIVE DEFENSE

11. The Counterclaims fail to state a cause of action.

WHEREFORE, Burlington demands judgment dismissing the Counterclaims in their entirety.

Dated: New York, New York
May 29, 2008

ROTTENBERG LIPMAN RICH. P.C.

By: 
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